

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
RIVERSIDE DIVISION

In re:

BARBARA WILLIAMS,

Debtor.

Case No.: 6:22-bk-14336-WJ

CHAPTER 13

SCHEDULING ORDER

On November 28, 2022, the Court issued a scheduling order setting this case for a confirmation hearing and a status conference on April 24, 2023. See Docket #14. Thereafter, the clerk of the Court made plans to upgrade the essential electronic filing systems of the Court from April 14-17, 2023. A copy of the public notice is available on the Court's website:

<https://www.cacb.uscourts.gov/news/automated-systems-unavailable-during-essential-systems-and-security-upgrade-april-14-2023-april>

Among other things, this upgrade will prevent the electronic filing of documents.

The prior scheduling order, however, set a briefing schedule for confirmation which includes a deadline of April 17th for the debtor to file a key pleading in support of confirmation. The debtor will be unable to meet this deadline due to the unexpected unavailability of the Court's systems. The chapter 13 trustee has recommended confirmation of the chapter 13 plan of the

debtor in this case. See Docket #28. Therefore, the Court shall reschedule the April 17th deadline and the related hearings.

Therefore, the Court hereby ORDERS as follows:

1. The confirmation hearing and status conference set for April 24, 2023 at 2:30 p.m. are hereby continued to June 26, 2023 at 10:00 a.m. Counsel for the debtor shall file and serve a notice of the continuance no later than April 12, 2023.

2. If the debtor owns the current residence where the debtor lives, the debtor should file (no later than June 5, 2023) a secured debt payment history declaration demonstrating that the debtor has made all monthly post-petition mortgage payments from the petition date through June 2023. If the debtor owns the residence but it is not subject to any mortgage, the declaration can be very short (i.e. a sentence or two) that simply states as much. If the debtor resides at property the debtor does not own, the debtor should file (no later than June 5, 2023) a declaration demonstrating that the debtor has made all monthly post-petition rent payments (with proof attached).¹

3. If the trustee still supports confirmation then, after the debtor files the required pleading, the chapter 13 trustee should file, no later than June 12, 2023, a pleading stating as much and attach a worksheet with the proposed terms of confirmation. If the chapter 13 trustee no longer supports confirmation then, no later than June 12, 2023, the trustee should file a motion requesting dismissal which states all grounds for dismissal and includes a declaration in support of the motion. If the debtor has not made all post-petition mortgage or rent payments for all post-petition months, the trustee normally requests dismissal of the case. If, for any reason, the trustee does not do so, the proposed terms of confirmation must (a) include provisions to cure all post-petition arrearages (as well as any pre-petition arrearage) and (b) provide for conduit payments for the monthly

¹ With respect to rent payments, in nearly all instances, post-petition obligations of assumed executory contracts or unexpired leases constitute administrative claims which must be paid in full pursuant to section 1322(a)(2).

1 payments for the rest of the case.

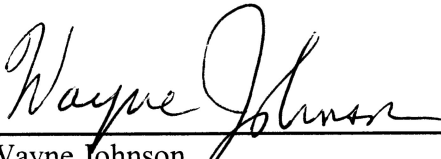
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3 4. The deadline for the debtor to respond to the trustee's pleading is June 20, 2023. If
4 the trustee seeks dismissal, the debtor should file an opposition brief to the dismissal motion no
5 later than June 20, 2023. If the trustee recommends confirmation, the debtor should state whether
6 the debtor agrees with the terms of confirmation proposed by the trustee.

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8 5. The Court will review the pleadings and may issue a ruling without holding
9 hearings on June 26, 2023 that (a) continues the matter, (b) dismisses the case or (c) grants other
10 relief depending on various factors including, but not limited to, whether or not an agreement exists
11 regarding confirmation, and whether or not the debtor has timely made payments and provided
12 documents to the trustee during the case. If no order is entered prior to June 26, 2023, all parties
13 should check the Court's posted calendar the day before June 26, 2023.

14 IT IS SO ORDERED.

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24 Date: April 10, 2023

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26 Wayne Johnson
27 United States Bankruptcy Judge
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